

Memorandum for the Brethren

Since Westbrook Pegler evidently intends to bring his poisonous pen into action against me in connection with the Algev Hiss affair, and since he will thereby inevitably involve the Court, I should like my colleagues to see the attached memorandum by way of background.

F. F.

December 18, 1948

(Conversation between a man who called and identified himself as Westbrook Pegler and Katherine Watters, about 12:15 p.m., December 17, 1948 – this summary was made shortly after the conversation took place.)

I answered the phone in Mr. Justice Frankfurter's office at about 12:15 p.m., December 17, 1948, and a man's voice responded asking if this was Frankfurter's office. He spoke quickly and not very distinctly and said something else about a message yesterday. I told him I did not quite understand him and that I was Justice Frankfurter's secretary; then he said that he was Westbrook Pegler and had called here yesterday to ask if the Justice would speak to him. He asked me if the Justice had received his message. I explained to him that I was not here yesterday afternoon (Thursday, December 16th) and that Court was in session, and that perhaps he had spoken to the messenger.

Mr. Pegler then said that he wanted to know if the Justice would see him – he said that it was in regard to the Alger Hiss affair. He went on to tell me that Alger Hiss had mentioned the Justice in his testimony, and he wanted to know if the Justice would have something to say about it and would I find out. I told him that my instructions were that the Justice did not make statements to the press and that therefore I did not think he would be able to see the Justice. Mr. Pegler interrupted me and said that he knew this, but there were always exceptions and that he, Mr. Pegler, had just had an interview with another Justice of the Court. He asked me if I knew that Alger Hiss had been indicted, and went on to say that Mr. Hiss' mention of the Justice (I believe he said mention of the Justice in relation to Alger Hiss' job) "calls for some statement," "In fact", Mr. Pegler said, "it is even possible that the Justice might give testimony."

I repeated that the Justice did not give interviews of this type and when Mr. Pegler asked if he should call me back to find out I said I did not think it would be necessary.

Katherine Watters

December 17, 1948